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EXAMINER
KARDOS, NEIL R

ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 October 2003_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-36_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This is a **NON-FINAL** Office action on the merits. Currently, claims 1-36 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   **Claims 1-15 and 19-33 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over "Microsoft Project 98 Support Course" ("MSP 1998") in view of "Microsoft Project

2002: Training Courseware, Lesson 19: Earned Value" ("Chapter 19") and "Microsoft

Project 2002: Training Courseware, Lesson 20: Multiple Projects" ("Chapter 20").

Claim 1: MSP 1998 discloses:

- storing a simulation version of a project baseline (see pages 3-4 and 3-5; 3-67);

- obtaining, via the operative version, an earned value for a project that corresponds

  to the project baseline (see at least pages 6-23 through 6-25).

MSP 1998 does not explicitly disclose copying the simulation version to create an

operative version of the project baseline (see however, page 6-33 for a similar concept).

Examiner takes Official Notice that it is well-known in the computing arts to copy files in

order to have a backup of the original file in case any changes are made. This is especially true

of project budgets, where the original budget for a project must be maintained despite any

changes that occur to the project.

Furthermore, Chapter 19 discloses allowing a user to save multiple baselines for a project

(see page 7). Chapter 20 discloses linking multiple projects that can each have their own

baseline (see at least page 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply well-known computing methods to perform the manipulations

taught by MSP 1998 on a copied version of the project baseline or to use the techniques taught

by Chapter 19 and Chapter 20 to calculate an earned value on a copy of a project baseline. This

combination of known elements according to known methods produces a result that would be

predictable to one of ordinary skill in the art (e.g. a backup copy of the project baseline).

Claim 2: MSP 1998 discloses wherein the earned value is obtained based on an amount

of work done on the project and a pre-assigned value for the project baseline (see at least pages

6-23 through 6-25).

Claim 3: MSP 1998 discloses wherein the amount of work done corresponds to a portion

of the project that has been completed (see at least page 6-5).

Claim 4: MSP 1998 discloses wherein the project baseline comprises a number of tasks

(see at least table on page 6-18), each of the tasks having an assigned value (see at least pages 6-

23 through 6-25; 6-28; 6-31 and 6-32); and wherein obtaining the earned value comprises:

determining which of the tasks has been completed; and combining assigned values for

completed tasks (see table on page 6-28).

Claim 5: MSP 1998 discloses: augmenting the simulation version with a task; mapping

the task to the operative version; and reformulating the operative version to account for the task

prior to obtaining the earned value (see page 6-33; also note that Microsoft Project allows users

to add tasks/projects and recalculate earned values).

Claim 6: MSP 1998 discloses wherein augmenting comprises adding the task to the

simulation version but keeping the task separate from previously-existing tasks on the simulation

version (see page 6-33; see also page 13 of Chapter 20).

Claim 7: MSP 1998 discloses wherein reformulating the operative version comprises

incorporating the task into the operative version so that the project baseline is changed to

accommodate the task (see page 6-33).

Claim 8: MSP 1998 discloses wherein the operative version is reformulated so that a

portion of the operative version that precedes a time that the task is incorporated is unchanged

(see page 6-33; see also page 14 of Chapter 20).

Claim 9: MSP 1998 discloses wherein the operative version is reformulated so that a

portion of the operative version that succeeds a time that the task is incorporated is changed (see

page 6-33; see also page 14 of Chapter 20).

Claim 10: MSP 1998 discloses wherein the task is selected from among other tasks for

mapping to the operative version (see page 6-33; see also Chapter 20).

Claims 11-15: The method of claims 11-15 is substantially similar to the method of

claims 1-10, and is rejected under similar rationale.

Claims 19-28: The machine-readable medium of claims 19-28, which carries out the

method of claims 1-10, is rejected under similar rationale as claims 1-10.

Claims 29-33: The machine-readable medium of claims 29-33, which carries out the

method steps of claims 11-15, is rejected under similar rationale as claims 11-15.

4.   Claims 16-18 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over "Microsoft Project 98 Support Course" ("MSP 1998") in view of "Microsoft Project

2002: Training Courseware, Lesson 19: Earned Value" ("Chapter 19") and "Industry

Standard Guidelines for Earned Value Management Systems" ("Guidelines").

Claim 16: MSP 1998 discloses a method comprising:

- storing a baseline for a project, the baseline comprising work to be performed on the project over a period of time (see pages 6-23 through 6-25; see also pages 3 and 7 of Chapter 19);

- storing a budget associated with the baseline, the budget comprising a budget for work to be performed (see pages 6-23 through 6-25); and

MSP 1998 does not explicitly disclose revising the budget by setting the budget for the work to be performed to be equal to a budget for work performed.

Guidelines teaches revising budgets based on prior budgets to improve the baseline integrity and accuracy of performance measurement data (see sections 2.4 and 2.5; specifically, 2.4(f), 2.5(a)-(c)).

Furthermore, it is old and well known in the project management arts to rebaseline a project to eliminate schedule variance. For example, companies often rebaseline by rescheduling project activities, including work that has fallen behind schedule.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to revise the budgets of MSP 1998 by setting them equal to a budget for work that has already been performed as taught by Guidelines and as known in the art. One of ordinary skill in the art would have been motivated to do so for the benefit of more accurate budgets.

Claim 17: MSP 1998 does not explicitly disclose setting the budget for the work to be performed and the budget for work performed to be equal to a cost of the actual work performed.

Guidelines teaches revising budgets based on performance to date to improve the baseline

integrity and accuracy of performance measurement data (see sections 2.4 and 2.5; specifically,

2.4(f), 2.5(a)-(c)).

Furthermore, it is old and well known in the project management arts to rebaseline a

project to eliminate cost variance. For example, companies often rebaseline by adjusting costs to

more accurately reflect the actual cost of materials and services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to revise the budgets of MSP 1998 by setting them equal to actual costs for

work that has already been performed as taught by Guidelines and as known in the art. One of

ordinary skill in the art would have been motivated to do so for the benefit of more accurate

budgets.

Claim 18: MSP 1998 does not explicitly disclose reassigning value on the baseline to a

different time on the baseline.

Guidelines teaches revising schedules to improve the baseline integrity and accuracy of

performance measurement data (see sections 2.4 and 2.5; specifically, 2.4(f), 2.5(a)-(c)).

Furthermore, it is old and well known in the project management arts to reprogram a

baseline and schedules, for example when project performance deviates significantly from

planned performance such that the original plan is no longer a reasonable measurement device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to reprogram the schedule of MSP 1998. One of ordinary skill in the art

would have been motivated to do so for the benefit of more accurate performance measures and

schedules.

Claims 34-36: The machine-readable medium of claims 34-36, which carries out the

method steps of claims 16-18, is rejected under similar rationale as claims 16-18.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- U.S. patent number 5,907,490 to Oliver, directed to project management and
  assessment

- U.S. patent number 5,381,332 to Wood, directed to project management with
  automated schedule and cost integration

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The

examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                        Neil R. Kardos
                                                        Examiner
                                                        Art Unit 3623

NRK
6/6/08

/Romain Jeanty/
Primary Examiner, Art Unit 3623